

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARK WAYNE CLARK

Plaintiff,

V.

PAT GLEBE, *et al.*,

## Defendants.

CASE NO. C10-5203RBL

**ORDER DENYING PLAINTIFF'S  
MOTION TO AMEND  
COMPLAINT**

This matter comes before the court on plaintiff's letter to the clerk (Doc. 19) and

plaintiff's motion to amend his complaint, (Doc. 20). The court, having reviewed the motion, defendants' opposition, and the balance of the record, does hereby ORDER:

The clerk has received a letter (Doc. 19) from plaintiff, in which plaintiff states concerns regarding the court's pretrial schedule and his ability to conduct discovery in a timely manner.

Plaintiff shall note that neither the clerk nor the court can provide legal assistance to a litigant. Letters addressed to the clerk asking for legal advice and clarification of a court order are inappropriate, as is any other form of ex parte communication with the court. If plaintiff is unclear regarding the meaning of, or seeks relief from, a court order, he should serve, file, and properly note a motion seeking appropriate relief.

1       In the letter plaintiff states the pretrial order was premature, noting that some defendants  
2 had not yet appeared in the matter. Plaintiff asks if the schedule can be revoked or postponed.  
3 This request is **DENIED**. The parties should work diligently to meet the deadlines set by the  
4 court. If the parties are unable to complete discovery within the stated time limit, a motion may  
5 be presented at the appropriate time setting forth the reasons why the deadline needs to be  
6 extended.  
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8       Plaintiff's motion to supplement or amend his complaint (Doc. 20) is **DENIED**. Four  
9 factors are relevant to whether a motion for leave to amend pleadings should be denied: undue  
10 delay, bad faith or dilatory motive, futility of amendment, and prejudice to the opposing party.  
11 United States v. Webb, 655 F.2d 977, 980 (9th Cir. 1981). In light of this legal standard, the  
12 court finds the proposed amendment would cause undue delay and prejudice to the opposing  
13 party.  
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15       The complaint (Doc. 3) alleges certain claims and causes of action against defendants  
16 employed at the Stafford Creek Correctional Center and the Spectrum Company, which allegedly  
17 operates a program at the correctional facility. The "Supplemental Complaint", attached to the  
18 motion to amend, seeks to add additional defendants and claims against individuals employed at  
19 Airway Heights Correctional Center, located within the jurisdiction of the U.S. District Court for  
20 the Eastern District of Washington.  
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22       After reviewing the record, the undersigned finds insufficient intervening facts or  
23 circumstances to support plaintiff's motion to supplement the complaint in this fashion. To  
24 allow the additional defendants and claims to be added to the instant matter would cause  
25 unnecessary delay and complexity to the case.  
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1       The clerk is directed to send copies of this order to plaintiff and counsel for the  
2 defendants.

3       DATED this 9th day of September, 2010.

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7       J. Richard Creatura  
8       United States Magistrate Judge  
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